

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 3516.10US02

Amarpreet S. Sawhney

Confirmation No.: 9525

Application No.: 10/616,055

Examiner: Pak, J.

Filed: July 9, 2003

Group Art Unit: 1616

For: METHODS OF USING IN SITU HYDRATION OF HYDROGEL ARTICLES FOR
SEALING OR AUGMENTATION OF TISSUE OR VESSELS

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENT REJECTION OVER A PENDING SECOND APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Incept LLC, of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application No. 11/406,791, filed on April 19, 2006. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the second

application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires or is abandoned for failure to pay a maintenance fee or any other fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The Commissioner is hereby authorized to charge a credit card referenced in the electronic filing in the amount of \$140.00 is attached in payment of the fee required under 37 C.F.R. § 1.321(b) and § 1.20(d). The Commissioner is hereby authorized to grant any extension of time necessary for consideration of this paper, and/or to charge any fee or credit any overpayment to Deposit Account No. 50-3863.

The undersigned is an attorney or agent of record.

Respectfully submitted,

/Curtis B. Herbert/
Curtis B. Herbert, Ph.D., Reg. #45,443

Customer No. 62274
Dardi & Associates, PLLC
US Bank Plaza, Suite 2000
220 South 6th Street
Minneapolis, Minnesota 55402
Telephone: (612) 605-1038

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 50-3863.

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this paper is being transmitted electronically to the U.S. Patent and Trademark Office on the date shown below.

August 10, 2009
Date

/Curtis B. Herbert/
Curtis B. Herbert, Ph.D., Reg. #45,443